

**Date of Transmission**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rhalakia et al.	Examiner:	J. Schwartz
Serial No.	09/425,617	Group Art:	2873
Filed:	10/22/99	Docket No.	589.063US1
Title:	PRODUCTION OF OPTICAL ELEMENTS		

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**OFFICE OF PETITIONS  
ASSISTANT COMMISSIONER FOR PATENTS  
BOX DAC  
WASHINGTON, D.C. 20231**

**PETITION TO REVIVE AN UNAVOIDABLY ABANDONED APPLICATION  
UNDER 37 C.F.R. 1.137(a) OR AN UNINTENTIONAL ABANDONMENT  
UNDER 37 CFR 1.137(b)**

Attention:  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy  
Washington, D.C. 20231

**FAX COPY RECEIVED**

**JUL 25 2001**

**TECHNOLOGY CENTER 2800**

Dear Sir/Madam:

**FACTUAL BACKGROUND**

1) A Notice of Allowance and Issue Fee Due was mailed by the U.S. Patent and Trademark Office on January 8, 2001, with a due date for payment of the Issue Fee identified on the Notice of Allowance as April 9, 2001. In addition, there was an outstanding Notice from the draftsman that new Formal Drawings were needed (document dated December 27, 1999).

2) Attorney for Applicant signed the transmittal documents for the Payment of the Issue Fee, provided a transmittal cover sheet for transmittal of the documents, submitted the formal documents with a transmittal sheet to the draftsman, authorized payment of the issue fee in a separate document, and included a return postcard identifying all of these documents.

3) All documents described in paragraph 2) above were mailed with a certification of mailing under 37 C.F.R. 1.8 with a mailing date of March 15, 2001.

4) The return postcard was returned to Attorney for Applicants with a date of receipt in the U.S. Patent and Trademark Office of March 19, 2001, which date is consistent with the mailing date of March 15, 2001, as March 17 and March 18 were a Saturday and a Sunday, respectively, when the US Patent and Trademark Office was closed.



5) On May 23, 2001, the U.S. Patent and Trademark Office mailed a Notice of Abandonment on the Application, indicating that Applicant failed to timely pay the required Issue Fee.

6) As the documents included with this Petition clearly shows that all formalities for Issuance of this Application were timely performed by Attorney for Applicants and timely received by the U.S. Patent and Trademark Office, the Abandonment of this Application is clearly in error, was inadvertent and/or unintentional, and was the result of error on the part of the U.S. Patent and Trademark Office, with no error or responsibility by Applicants or their counsel.

7) Applicants, through their Attorney of Record, hereby petition to have the Application issued as a U.S. Patent, and to have the Abandonment withdrawn.

8) There should be no fee imposed upon Applicants as the cause of the abandonment was without any fault on the part of Applicants or their Attorney of Record.

**IF ANY FEE IS DEEMED NECESSARY, APPLICANTS HEREBY AUTHORIZE SUCH FEE TO BE DEBITED AGAINST ATTORNEY'S DEPOSIT ACCOUNT NO. 50-1391.**

The other required  in this Application under the guideline  37 C.F.R. 1.37(b) constituted only the payment of the Issue Fee, and the submission of Formal Drawings, each of which was timely done as shown by the enclosed documents. As the issue fee has been paid already, the formal drawings have been submitted, and the substantive basis for this petition has been submitted, the Application should be urgently advanced to Issuance.

Applicants hereby petition to revive the application due to the fact that the delay in filing corrected formal drawings causing by the abandonment of the application was unintentional and/or inadvertent, and was the sole responsibility of the U.S. Patent and Trademark Office.

The contact person is invited to telephone Applicant's attorney (952) 832-9090 if necessary. **If necessary please charge any additional fees to Deposit Account No. 50-1391 for the petition for revive unintentional abandonment under 37 CFR 1.137(b).**

Respectfully submitted,

BHALAKIA et al.

By their Representatives,

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, MN 55435  
(952) 832-9090

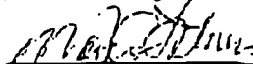
Date May 30, 2001

By 

Mark A. Litman  
Reg. No. 26,390  
(952) 932-9090

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to OFFICE OF PETITIONS, Assistant Commissioner of Patents, BOX DAC, Washington, D.C. 20231 on MAY 30, 2001.

Mark A. Litman  
Name

  
Signature

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Applicant: Bhalakia et al. Examiner:  
Serial No. 09/475,517 Group Art Unit: 2873  
Filed: October 22, 1999 Docket No: 589.06/1151  
Title: PROHIBITION OF OPTICAL ELEMENTS

**CONTENTS:**

- ☒ Form PTOL-050 (1pg)
- ☒ Communication Re: Issue Fee Transmittal, with authorization to charge fee to Deposit Account No. 50-1391.
- ☒ Communication Re: Submission of Formal Drawings
- ☒ 3 Pages of Formal Drawings
- ☒ Transmittal Sheet
- ☒ Return postcard



Date of Deposit: March 15, 2001



MARK A. LITMAN & ASSOCIATES, P.A.  
YORK BUSINESS CENTER, SUITE 205  
3209 WEST 76<sup>th</sup> ST.  
EDINA, MN. 55435



and Trademark Office

Applicant: Dhalakia et al.

Serial No. 09/ 425,517

Filed: October 22, 1999

Docket No. 589,063 US 1

Title: PRODUCTION OF OPTICAL ELEMENTS

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**CONTENTS:**

- ☒ Petition to Revoke An Unavoidably Abandoned Application under 37 C.F.R. 1.137(a)...
- ☒ Copy of cancelled postcard
- ☒ Notice of Abandonment
- ☒ Original Submissions
- ☒ Transmittal Sheet
- ☒ Return postcard

Date of Deposit: May 30, 2001



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ADDRESS: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DCKET NO.
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1572425 5/27/01 11:18 AM

MARK LITMAN ASSOC  
 1000 W. 10TH ST. SUITE 200  
 OMAHA NE 68104

EXAMINER

SIGNATURE

ART UNIT

PAPER NUMBER

09470

DATE MAILED: 5/27/01

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**received**  
 5/29/01 AM

ABANDONED BY  
 COMPTON PERSON IS:  
 TONY AWONS  
 800-220

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bhalakia et al.

Examiner: J. Schwartz

Serial No. 09/425,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589,063US1

Title: PRODUCTION OF OPTICAL ELEMENTS,  

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**Box Issue Fee**Assistant Commissioner for Patents  
Washington, D.C. 20231**The following documents are being submitted:**

- ☒ Form PTOL-85B (1pg)
- ☒ Communication Re: Issue Fee Transmittal, with authorization to charge fee to Deposit Account No. 50-1391
- ☒ Communication Re: Submission of Formal Drawings
- ☒ 3 pages of Formal Drawings
- ☒ Transmittal Sheet
- ☒ Return postcard

**MARK A. LITMAN & ASSOCIATES, P.A.**York Business Center, Suite 205, 3209 W. 76<sup>th</sup> St.  
Edina, MN 55402 (952-832-9090)By: Atty: Mark A. Litman  
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 15, 2001.

Julie E. Eklundson  
Name  
Signature



Complete and mail this form, together with app.

fees, to:

BOX ISSUE FEE

Assistant Commissioner for Patents  
Washington, D.C. 20231

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (NOTE: See box mark-up with any corrections in use Block 1)

MARK L. LITMAN & ASSOCIATES, P.A.  
YOUNG BUSINESS CENTER, SUITE 205  
3209 WEST 76TH ST.  
MINNAPOLIS MN 55435

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Mark A. Litman

(Transmitter's name)

M. Litman

(Signature)

March 15, 2001

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/426,017	10/22/99	030	SCHWARTZ, J	2070 01/09/01
First Named Applicant	DIALAKTA, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION PRODUCTION OF OPTICAL ELEMENTS

ATTY'S DOCKET NO.	CLASS SUBCLASS	BATCH NO.	APPL. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	520, 063051	351-1A3.000	A35 UTILITY	NO	\$1240.00	04/09/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

(Change of correspondence address (or Change of Correspondence Address form PTO/SF/122) attached.

"Fee Address" indication (or "Fee Address" indication form PTO/SF/17) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MARK A. LITMAN: 13502

2. MARK A. LITMAN

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
PLEASE NOTE: Unless an assignee is indicated below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE Vision-Ease Lens, Inc.

(B) RESIDENCE (CITY &amp; STATE OR COUNTRY) Ramsey, Minnesota USA

Please check the appropriate assignee category indicated below (will not be printed on the patent)

Individual ☒ corporation or other private group entity ☐ government ☐

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks)

Issue Fee

Advance Order - # of Copies \_\_\_\_\_

4b. The following fees or deficiency in these fees should be charged to

DEPOSIT ACCOUNT NUMBER 50-1391

(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee☒ Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS REQUESTED TO apply the Issue Fee to the application file filed above.

(Authorized Signature)

Mark A. Litman

3/15/01

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party interested as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE

PTOL-858 (REV. 10-95) Approved for use through 02/20/99. OMB 0551-0033

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bhalakia et al.

Examiner:

J. Schwartz

Serial No. 08/125,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

COMMUNICATION RE: ISSUE FEE TRANSMITTAL

Box Issue Fee  
Assistant Commissioner for Patents  
Washington, D.C. 20231

In response to the "Notice of Allowance and Issue Fee Due", dated January 8, 2001 (see enclosed copy), we submit the signed Issue Fee Transmittal along with the authorization to charge Deposit Account Number 50-1391 for \$1270.00 to cover the issue fee and patent order.

Applicant assumes the application is now in proper order and in condition for issuance. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted,

SUJAL BHALAKIA et al.

By their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, Minnesota 55435  
(952) 832-9090

Date: 15 MARCH 2001By: Mark A. Litman

Mark A. Litman

Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this letter is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 15, 2001.

Mark A. Litman  
Name

Mark A. Litman  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bhalakia et al.

Examiner: J. Schwartz

Serial No. 09/425,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

**COMMUNICATION RE: SUBMISSION OF FORMAL DRAWINGS**

Attn: OFFICIAL DRAFTSMAN  
Assistant Commissioner for Patents  
Washington, D.C. 20231

In response to the requirement for formal drawings made in the Notice of Allowance mailed January 8, 2001, enclosed are 3 sheets of formal drawings for the above-identified application.

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if any further changes need to be made to the enclosed drawings. Authorization is hereby given to charge any fees that are owed for the submission of these drawings to Deposit Account Number 50-1391.

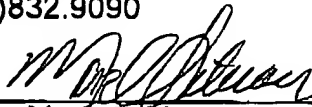
Respectfully submitted,

SUJAL BHALAKIA et al.

By their Representatives,

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, MN 55435  
(952)832.9090

Date: March 15, 2001

By   
Mark A. Litman  
Reg. No. 26,390

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Mark A. Litman

  
Signature

1/3

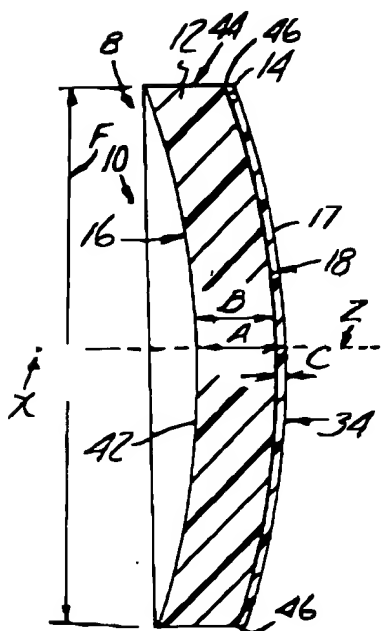


Fig. 1

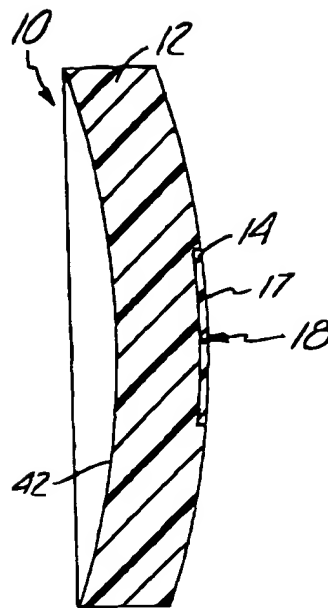


Fig. 2

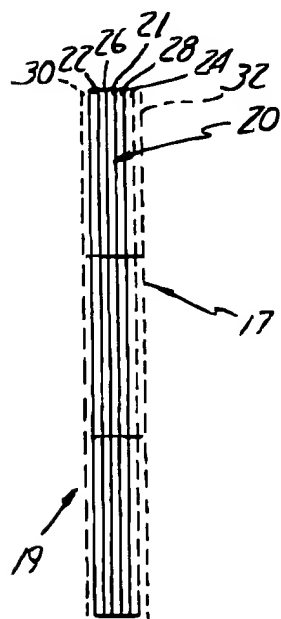


Fig. 3

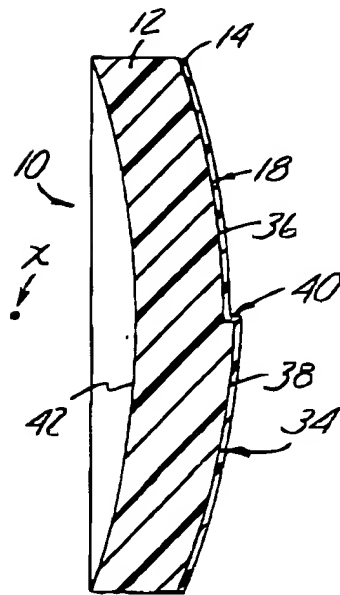
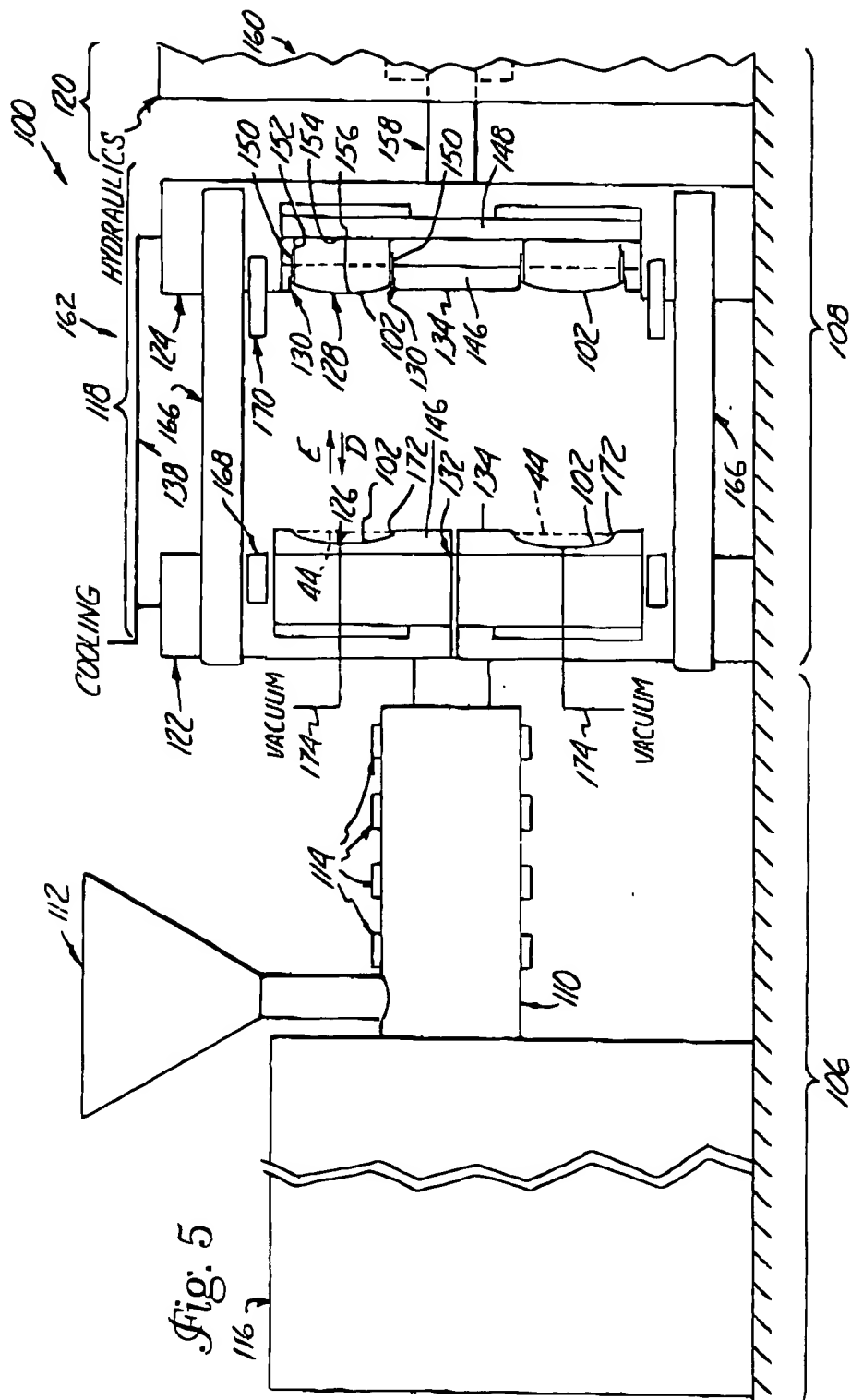


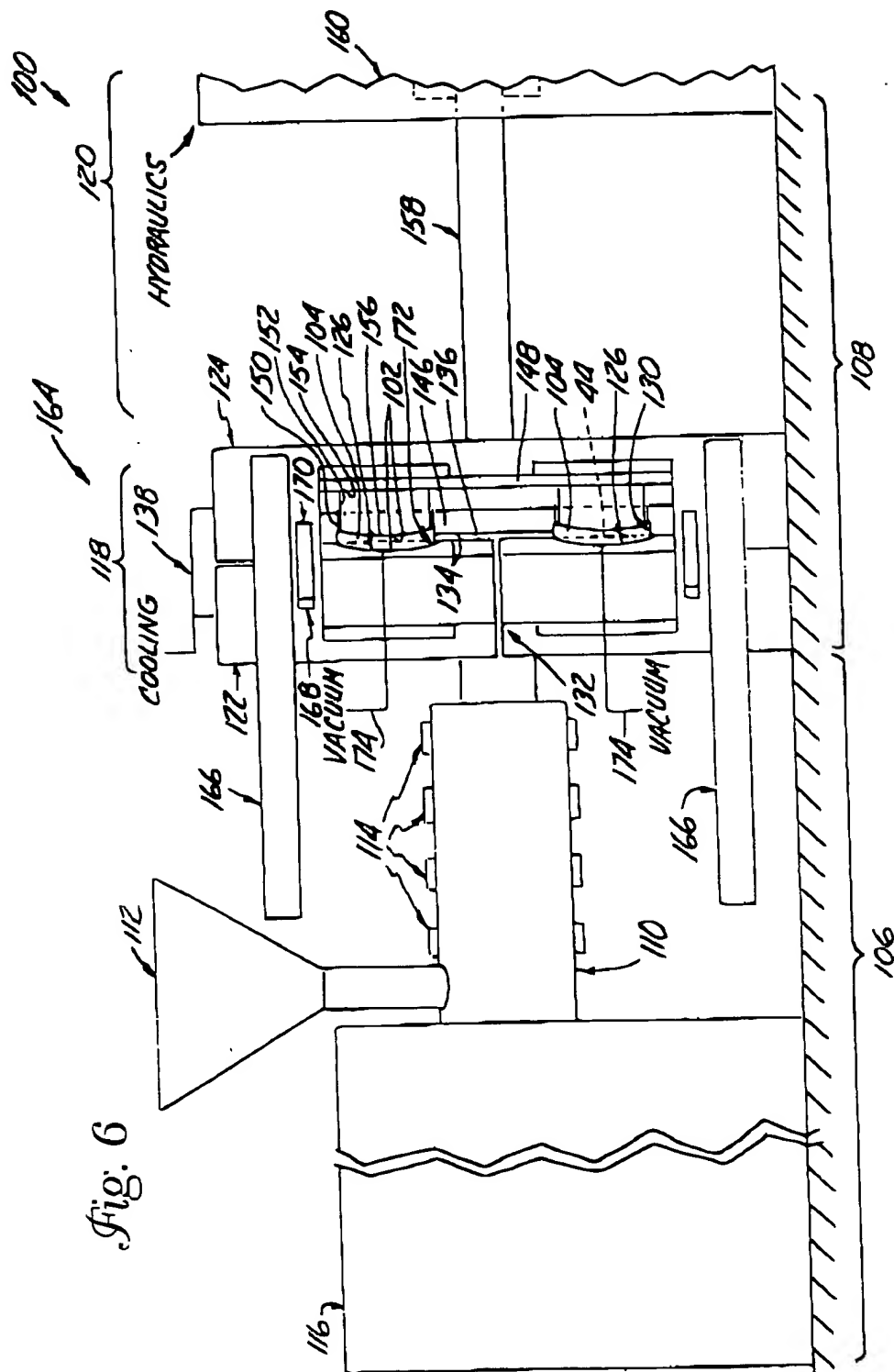
Fig. 4

2/3



3/3

Fig. 6



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Applicant: Bhalakia et al. Examiner:  
Serial No. 09/425,517 Group Art Unit: 2873  
Filed: October 22, 1999 Docket No. 589.063US1  
Title: PRODUCTION OF OPTICAL ELEMENTS

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- ☒ Return postcard

Date of Deposit: *March 15, 2001*